

REMARKS

In Response to the final Office Action mailed December 14, 2005, applicants respectfully request reconsideration and entrance of the above amendment. In the Office Action, claims 1-24 were rejected. By this response, claims 22-24 have been canceled. Accordingly, after entrance of this amendment, claims 1-21 will be pending in this application.

Rejection of Claims Under 35 U.S.C. §102

Claims 1-24 were rejected under 35 U.S.C. §102(e) as being anticipated by Lumelsky et al. (U.S. Patent No. 6,460,082). This rejection is respectfully traversed, as Lumelsky does not teach every element recited in independent claim 1, as is required under 35 U.S.C. §102.

Amended independent claim 1 recites a system for delivering content over a data network, comprising:

- a data storage device for storing content to be delivered over the data network,
- a server process capable of monitoring the data network for responding to a request to serve selected content over the data network, and
- a file system capable of communicating with the server process and capable of processing the request to identify meta-data associated with the request and being representative of a level of service to be provided the request.

Support for the amendment to claim 1 can be found at least on page 5, paragraph 1; page 10, paragraph 1; and pages 19-20.

As set forth in the previous response, Lumelsky teaches a system for resource configuration across distributed media services. This system uses “service signatures” which is what Lumelsky calls meta-data, to represent a resource allocation commitment for a server (Col. 5, lines 13-15). Service signatures are implemented to customize each server (referred to by Lumelsky as a “meta-resource”, Col. 5, lines 30-31) (Col. 5, lines 43-49). As specifically set

forth by Lumelsky in Col. 15, lines 37-43, "Specifically, after a request arrives to the meta-resource, the meta-resource must decide whether to service the request or not. *Such decision is supported by the meta-data in the resource.* For example, the meta-resource (i.e., the server) determines whether the request is associated with the right access controls (permissions) to use the service/storage bins being requested." (Emphasis added).

Accordingly, Lumesky determines whether a request can be serviced by a server based on meta-data in the server. The passage cited by the examiner in the previous Office Action describes how the service signature (meta-data) is used to customize the service of a server. However, as stated above, the meta-data is associated with the server and not the request.

Amended independent claim 1 recites a system including (among other features) a file system which processes a request to identify meta-data associated with the request, which represents a level of service to be provided to the request. Clearly then, Lumesky does not teach the invention recited in independent claim 1.

Therefore, since Lumesky does not teach the invention recited in independent claim 1, the rejection of independent claim 1 under 35 U.S.C. §102(e) is improper and should be withdrawn, as independent claim 1 is allowable over Lumesky.

Claims 2-21 depend from independent claim 1 and are allowable for at least the same reasons as independent claim 1.

Based on the foregoing, applicants respectfully assert that claims 1-21 are allowable over the art of record and respectfully request that a timely Notice of Allowance be issued in this application.

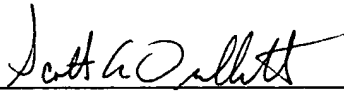
In the event the Patent Office deems personal contact desirable in disposition of this matter, the Office is invited to contact the undersigned attorney at (508) 293-7835.

Applicants: Gillett et al
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Please charge any fees occasioned by this submission to Deposit Account No. 05-0889.

Respectfully submitted,

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